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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Democratic Republic of the Congo*

The present report is a summary of 27 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

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I. Information provided by stakeholders

A. Background and framework

1. Scope of international obligations

1. The Réseau national des ONG des droits de l'homme en République démocratique du Congo (national network of human rights non-governmental organizations in the Democratic Republic of the Congo) (JS16) noted that the Democratic Republic of the Congo had not implemented the recommendations drawn up during the universal periodic review relating to the ratification of various treaties, including: the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.² JS16 recommended that the Government should initiate the ratification process for treaties to which the Democratic Republic of the Congo was not yet party.³

2. Freedom from Torture (FFT) was pleased that the Democratic Republic of the Congo had acceded to the Optional Protocol to the Convention against Torture in 2010.⁴ The International Federation of Action by Christians for the Abolition of Torture and Action by Christians for the Abolition of Torture in the Democratic Republic of the Congo (JS7) recommended that the Government should establish a national mechanism for the prevention of torture and provide it with the funds necessary to ensure its independence.⁵

3. Stichting Justitia et Pax Nederland (Justice and Peace Netherlands) (JS10) recommended that the law providing for the implementation of the Rome Statute should be adopted by Parliament and promulgated by the Head of State.⁶

2. Constitutional and legislative framework

4. FFT was pleased that the legislation criminalizing torture in 2011 had been enacted.⁷

5. The Groupe Thématique Droits de la Femme et Violences Sexuelles (Thematic Group on Women's Rights and Sexual Violence) (JS8) recommended that Parliament should adopt the Family Code, which had been approved by the Government in April 2013.⁸

6. In accordance with UPR recommendations, the Coalition of NGOs for Reporting and Monitoring the Situation of Human Rights and the Human Rights House (JS4) recommended that the Government ensure the removal of laws that discriminate against women and adopt the necessary legislation to ensure the promotion and protection of women.⁹

7. Franciscans International and VIVAT International (JS6) recommended that the Government should strengthen measures to protect women who had been victims of rape during conflicts by incorporating those measures into legislation.¹⁰

8. Emphasizing that the law of 2006 on the prohibition and repression of sexual violence did not classify marital rape as a criminal offence,¹¹ the World Organisation against Torture and Synergie des Femmes pour les Victimes des Violences sexuelles (Women's Synergy for Victims of Sexual Violence) (JS13) recommended the adoption of a law that would make domestic violence a criminal offence.¹²

9. Redress Trust and Synergie pour l'Assistance judiciaire aux Victimes de Violations des Droits Humains au Nord-Kivu (Synergy for Legal Aid for Victims of Human Rights Violations in North Kivu) (JS15) recommended the adoption of legislative amendments to allow for collective complaints to be lodged in the case of crimes in which there were several victims, the formation of victims' groups and the removal of restrictions relating to their operation.¹³

10. JS15 recommended that the Government should ensure that the draft law on the establishment of a public compensation fund for victims of rape met international standards.¹⁴

11. Appui aux Femmes Défavorisées et aux Enfants Marginalisés (Support for Disadvantaged Women and Marginalized Children) and SOS Information Juridique Multisectorielle (SOS Multisector Legal Information) (JS1) recommended that Parliament should adopt the draft law on the protection of human rights defenders and that the Government should ensure its effective implementation.¹⁵

12. Noting that a Member of Parliament had submitted a bill in 2010 that would prohibit unnatural sexual practices, including homosexuality,¹⁶ Sexual Rights Initiative and Si Jeunesse savait (If Young People Knew) (JS17) recommended that it should be rejected.¹⁷

13. The non-governmental organizations representing indigenous pygmy peoples (JS14) recommended that the Government should define the mechanisms necessary for the passage of a specific law for indigenous pygmy peoples that reflected its international obligations.¹⁸

3. Institutional and human rights infrastructure and policy measures

14. JS1 noted that the law on the establishment of a national human rights commission had been promulgated in March 2013 but that its members had not yet been appointed by the National Assembly.¹⁹ JS1 and JS10 recommended that the Government should make the commission operational as quickly as possible by appointing its members, allocating the funds that it would need in order to work independently and establishing offices in the provinces.²⁰

15. FIT was pleased that the Government adopted a national strategy against gender-based violence (2009–2010) and made operational its national agency for the elimination of violence against women (AVIFEM).²¹ JS8 recommended that the Government should increase the budget and improve the infrastructure available to the national agency for the elimination of violence against women (AVIFEM) and the national fund for the promotion of women and children.²²

16. JS18 recommended that the Government should deploy action plans for the implementation of the national gender policy and the national strategy on combating sexual violence and allocate appropriate budgets for those purposes.²³

17. Noting that the National Council for Children and other bodies provided for by law were still not organized or operational,²⁴ the universal periodic review coalition for children's rights in the Democratic Republic of the Congo (JS2) recommended that the Government should create a ministry for children's affairs to coordinate all existing child protection policies, manage their budgets and ensure their follow-up.²⁵

18. Mentioning that the Ministry of Justice and Human Rights had issued two decrees establishing a Protection Cell for Human Rights Defenders,²⁶ JS4 recommended that the Government ensure that the Cell has adequate materials, financial resources and technical capacity to carry out its mandate.²⁷

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

19. Recalling that the Committee against Torture and the Human Rights Committee had been awaiting the country's reports since 2009,²⁸ JS16 recommended that the Government should strengthen its cooperation with the treaty bodies and submit the outstanding reports.²⁹

20. FfT recommended that the Government issue an invitation to the UN Working Group on Arbitrary Detention.³⁰

2. Cooperation with special procedures

21. CIVICUS and the Ligue des Droits de la Personne dans la Région des Grands Lacs (JS3) recommended that the Government extend a standing invitation to all UN Special Procedures, in particular the Special Rapporteur on Human Rights Defenders, the Special Rapporteur on Freedom of Expression and the Special Rapporteur on Freedom of Peaceful Assembly and Association.³¹

22. FfT recommended that the Government issue a standing invitation to all thematic special procedure and invite the Special Rapporteur on Torture.³²

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

23. Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco (Maria Ausiliatrice International Institute of the Salesian Sisters of Don Bosco), VIDES International and Apprentis d'Auteuil (Apprentices of Auteuil) (JS9) emphasized that stereotypes about the role of women were still commonplace, particularly in rural areas, and prevented women from enjoying equal opportunities and fully exercising their rights.³³ They recommended that the Government should identify the obstacles that hindered women from taking up their rightful place in society and combat the root causes of inequality.³⁴

24. Noting that, as the war in the eastern part of the country continued, numerous births had not been registered owing to a lack of available services and that children and newborns were being abandoned,³⁵ JS2 recommended that the Government should register the births of all children under the age of 1 year free of charge.³⁶ In addition, Défense des Enfants international (Defence for Children International) (JS5) recommended that the law on civil status should be applied to all children without discrimination.³⁷

2. Right to life, liberty and security of the person

25. Noting that the Criminal Code still provided for the death penalty even though a moratorium on executions was in force,³⁸ JS16 recommended that the Government should adopt a law abolishing the death penalty.³⁹

26. Human Rights Watch (HRW) stated that between January and September 2009, Congolese army soldiers and their allies had extrajudicially executed more than 730 civilians.⁴⁰ According to HRW, many of the worst abuses by the Congolese army during this period had been carried out by former members of the National Congress for the Defence of the People (CNDP), a rebel group that had been integrated into the Congolese army but continued to operate under a parallel chain of command led by Gen. Bosco Ntaganda. HRW added that abuses continued in 2010 and 2011.⁴¹

27. Ecumenical Network Central Africa (JS12) stated that witnesses had claimed that Bosco Ntaganda personally ordered the execution of at least 34 M23 fighters who had tried to desert the militia. These witnesses also described that Ntaganda and his executive had ordered the execution of several M23 fighters who had been wounded during the battles.⁴²
28. JS7 recommended that the Government should arrest all suspected perpetrators of extrajudicial executions in order to bring them to justice.⁴³
29. Society for Threatened Peoples (STP) stated that insecurity and massive human rights violations had tremendously increased since the revolt of the militia M23 which had committed massive human rights violations after entering the town of Goma in 2012. STP added that when the Forces armées de la République démocratique du Congo (FARDC) had retreated from the town of Minova, they became responsible for widespread violations of human rights. Furthermore, dozens of civilians died due to abuses by Lord's Resistance Army (LRA) in the north of the country.⁴⁴
30. JS7 recommended that the Government should put an end to the numerous acts of torture carried out in the country⁴⁵ by providing human rights training to the members of the police force, the armed forces of the Democratic Republic of the Congo and prison officials in human rights and by taking other actions to that end.⁴⁶
31. The European Association of Jehovah's Christian Witnesses (EAJWC) stated that Jehovah's Witnesses had been victims of inhuman treatment⁴⁷ and requested that law enforcement agencies carry out investigations of criminal acts against the Witnesses and punish the perpetrators.⁴⁸
32. JS12 noted that the conditions in prisons remained life threatening throughout the country.⁴⁹ JS16 recommended that prison conditions should be improved by taking such steps as ensuring the availability of food and medical care and providing or updating prison infrastructure. It also recommended that all illegal and secret detention centres should be done away with and that the High Commissioner for Human Rights and other independent mechanisms should be given access to detention facilities run by the National Guard and the National Intelligence Agency, as well as to all centres to which observers did not yet have access.⁵⁰
33. JS7 noted that numerous cases of illegal or arbitrary detention had been recorded in 2013.⁵¹ Moreover, JS16 noted that between July 2012 and February 2013, there had been a number of cases in North Kivu in which people had been arrested, arbitrarily detained and tortured by members of the armed forces, the National Intelligence Agency, the Congolese national police and administrative and traditional authorities.⁵²
34. JS6 noted that, in the east of the country, armed groups used rape and abduction as a means of subjugating the population, the principal objective being to exploit people in order to derive income from natural resources.⁵³ JS6 also noted that, in November 2012, members of the armed forces had committed acts of rape in the Minova area.⁵⁴ JS6 also noted, however, that a number of punitive actions had been taken by the authorities, including the suspension of 12 members of the armed forces.⁵⁵
35. JS12 stated that even though the Minister of Gender, Family and Children had launched the Action Plan on Combating Sexual Violence in 2009, the number of incidents of rape had not declined, and thousands became victim of sexual violence every year.⁵⁶ It added that sexual violence was perpetrated by national and governmental actors as well as by rebel groups such as the M23, Mai Mai and other militia. JS12 highlighted that according to researches, more than 400,000 women and girls had been victims every year of sexual violence in the country.⁵⁷
36. The Lutheran World Federation (JS11) recommended that the Government should strictly enforce the 2006 law on sexual violence and the zero tolerance policy, investigate

allegations of rape being used as a weapon of war and punish the perpetrators of sexual violence, including soldiers from the armed forces, without exception and regardless of their rank.⁵⁸

37. According to its researches, FFI stated that violence against women including rape and other forms of sexual torture, were carried out for political reasons by State actors in non-conflict areas.⁵⁹

38. Stressing that one third of rape cases involved children,⁶⁰ JS2 recommended that the Government should systematically investigate and suppress all acts of sexual violence committed against children, punish the perpetrators of such violence, organize awareness campaigns aimed at reducing sexual violence, and provide a national telephone hotline.⁶¹

39. JS2 noted that the economic and sexual exploitation of children continued, that children were often obliged to perform harmful or hazardous work, that in urban centres they were used as cheap labour in all sectors of the economy and that many girls were sexually exploited.⁶² It recommended that the Government should step up the enforcement of legislation that prohibited the worst forms of child labour and, to that end, equip the Ministry of Labour with mechanisms for monitoring child labour.⁶³

40. JS6 noted that informal-sector mines in the east of the country had children, some of whom were under 10 years of age, working between 10 and 12 hours per day.⁶⁴ It stressed that the children's safety was under constant threat and that the work had a very serious impact on their mental and physical health.⁶⁵ JS6 recommended that the Government should put an end to child labour in mines in accordance with its international obligations.⁶⁶

41. Explaining that teenage mothers who lived on the street often abandoned their children and that child trafficking was on the rise in Kinshasa,⁶⁷ JS9 recommended that the Government should eradicate all child trafficking networks and set up and provide support for special centres to take in and assist teenage mothers.⁶⁸

42. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment remained lawful in the home, penal institutions and alternative care settings⁶⁹ and recommended that the Government prohibit it in all settings.⁷⁰

43. HRW noted that the Government had made significant progress in removing children from within the ranks of the army, releasing children from detention and contacting child protection agencies for assistance.⁷¹

44. However, JS2 stated that children continued to be recruited, arrested and detained.⁷² It recommended that the Government should run a campaign to raise awareness about the demobilization, rehabilitation and reintegration of child soldiers, strengthen the executing agency of the National Programme for Disarmament, Demobilization and Reintegration, (DDR) investigate all allegations relating to the recruitment and use of children by leaders of the armed forces and armed groups, suppress such acts and punish the perpetrators.⁷³ HRW recommended that the Government implement a new DDR programme.⁷⁴

45. JS12 stated that armed groups such as the M23 and Mai-Mai recruited and abducted children.⁷⁵

3. Administration of justice, including impunity, and the rule of law

46. JS12 highlighted that justice institutions especially the military courts still faced shortages of judges and prosecutors; that the staff did not receive adequate training and could hardly lead their investigations due to a lack of funding. According to JS12, political and command interference are common and magistrates who try to investigate crimes that have a connection to high ranking FARDC officers are threatened, as are witnesses

providing information to judicial officers.⁷⁶ HRW recommended that the Government take measures to stop its officials from interfering in judicial proceedings.⁷⁷

47. JS12 underlined that the Minister of Justice and Human Rights had presented a bill on the formation of special courts responsible for the prosecution of genocide, crimes against humanity and war crimes staffed with Congolese and international members, but the Parliament had rejected it.⁷⁸ F10 recommended that the Government should expedite the passage of that bill and to establish the mixed court system provided for therein.⁷⁹

48. JS15 recommended that the Government should establish a properly funded mechanism for looking into the past conduct of all officers and removing suspected perpetrators of serious human rights violations from the defence and security forces with immediate effect.⁸⁰

49. JS7 recommended that the Government should act upon the recommendations of the Committee against Torture regarding the placement of all detention facilities under the control of the justice system.⁸¹

50. JS15 stressed that much of the sexual violence committed during the conflict was directed at groups of individuals but that the judicial system did not employ procedures suited to the large-scale, collective nature of that crime.⁸²

51. HRW noted that while the challenges for the justice system remained enormous, there were signs of a greater government commitment to fighting impunity for grave human rights abuses. Since 2012, government officials have stated clearly that the Government will neither provide an amnesty to those allegedly responsible for war crimes or crimes against humanity nor reintegrate them into the army. The Government's insistence on accountability may have contributed to the surrender of M23 leader Bosco Ntaganda in March 2013.⁸³

52. Despite pervasive impunity, HRW underlined that the number of military prosecutions of soldiers accused of human rights violations had increased, although the majority of those prosecuted held junior ranks.⁸⁴

53. JS15 stated that, as a rule, crimes of sexual violence committed by members of the State security forces and armed groups continued to go unpunished.⁸⁵ Even in cases where prosecutions resulted in convictions, decisions relating to reparations were not implemented.⁸⁶

54. JS12 stated that the most prominent case for flagrant impunity had been the trial against the murderers of the human rights defender Floribert Chebeya, who had been killed in June 2010.⁸⁷ It also noted that the investigation into election-related violence in 2011 under international pressure had made little progress.⁸⁸

55. The World Evangelical Alliance and the Association of Evangelicals in Africa (JS19) recommended that the Government implement an effective programme to combat corruption; strengthen measures to ensure the independence of the judiciary⁸⁹ and establish a special department to investigate sexual violence.⁹⁰

56. JS15 noted that corruption in the administration of justice was a major obstacle for women and increased the pressure put on victims to withdraw their complaints.⁹¹ It recommended that the Government should take positive measures to do away with the obstacles facing victims of sexual violence and ensure that a sufficient number of medical and psychosocial personnel were available.⁹²

4. Right to privacy, marriage and family life

57. JS3 stated that homosexuality had never been illegal; however, there were reports that in October 2010, a bill criminalizing homosexuality had been presented to Parliament.

Under this bill, people who engage in homosexual activity would be sentenced to 3 to 5 years in prison or fined 500,000 Congolese francs.⁹³

58. JS17 noted that the rights of lesbian, homosexual, bisexual and transgender persons were violated in various ways, that they were regularly tortured by members of the police, the army or the intelligence services, which extorted money from them, and that they were prosecuted on charges of indecent conduct.⁹⁴

59. JS9 stated that, although the marriage of minor children and marriage between an adult and a child were offences, early marriage remained a common practice.⁹⁵

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

60. EAJCW stated that the Government had failed in its duty to protect Jehovah's Witnesses and allow them to enjoy their freedom of religion.⁹⁶

61. HRW stated that during the presidential and parliamentary elections in 2011, the Government and security force officials had used physical violence, intimidation, threats, arbitrary arrests to silence dissent and to prevent political leaders and activists from freely expressing their opinions.⁹⁷ HRW recommended that the Government release all individuals arrested because of their political views or because of their participation in peaceful demonstrations.⁹⁸

62. Reporters without Borders stated that freedom of information had been encroached upon since 2011, particularly in North Kivu. It noted that those responsible for restrictions on the media were primarily the National Intelligence Agency, the police, local and provincial authorities, the Audiovisual and Communications Council (CSAC), the Ministry of Communication and Media, and M23. It added that charges of defamation, slander or the commission of offences against the authorities were often used as a pretext to arrest and/or imprison journalists.⁹⁹

63. Moreover, it noted that the authorities were closing down entire media outlets and that the majority of media outlets were owned by politicians who disseminated government propaganda.¹⁰⁰ It recommended that the Government should implement the recommendations it had committed to in 2009, which had included recommendations that it should decriminalize press offences, pass a law that ensured access to information and guarantee the independence of the Audiovisual and Communications Council (CSAC).¹⁰¹

64. JS3 were alarmed by the heavy handed measures taken by the Government that drastically curbed the freedom of speech and assembly, and in particular which make dangerous, expressing dissent in print.¹⁰² They stated that although the Internet had not been reported as subject to State control of any note, the law required bloggers to obtain authorization from the CSAC.¹⁰³

65. JS3 noted that organizers of public events must register in advance with local authorities who may deny authorization within five days of the registration.¹⁰⁴ JS3 recommended that all reported cases of injury to peaceful protestors by security forces be subjected to investigation by an independent commission.¹⁰⁵

66. Noting that opposition parties were often prohibited from protesting peacefully,¹⁰⁶ JS16 recommended that the Government should ensure that members of political parties, the media and civil society were allowed to exercise their rights to freedom of expression, association and assembly without hindrance.¹⁰⁷

67. JS3 stated that the human rights defenders were victims of harsh treatment, in particular in the eastern region¹⁰⁸ and JS4 noted that those worked in a climate of impunity.¹⁰⁹ It recommended that the Government ensure that the perpetrators of the

assassination of Floribert Chebeya Bahizire¹¹⁰ and the disappearance of Fidel Bazana Edadi are prosecuted¹¹¹

68. JS7 emphasized that the safety of human rights defenders associated with Action by Christians for the Abolition of Torture in the Democratic Republic of the Congo had been threatened and recommended that the Government should ensure their protection.¹¹²

69. JS13 noted that female defenders of fundamental rights were particularly at risk of violence owing to both their work and their gender and that many of them had been threatened, harassed or actually abducted or assassinated.¹¹³

70. JS3 noted that trade unionists were reportedly harassed, arrested and prosecuted and must also compete with a number of State sponsored trade unions that were not independent.¹¹⁴

71. JS4 recommended that the Government strengthen the electoral law in order to make inadmissible any electoral lists from political parties that do not respect the 30 per cent quota for women.¹¹⁵

72. JS18 recommended that the Government should ensure that 50 per cent of the participants in all peace negotiations and processes were women.¹¹⁶

6. Right to work and to just and favourable conditions of work

73. JS6 noted that minors were exposed to dangerous working conditions and health problems. Despite Government efforts to vet a number of sites and the acquisition of an increasing number of mines by specialist companies, informal-sector mines still constituted the majority of mining sites in the east of the country.¹¹⁷ JS6 stressed that, owing to the effective lack of transparency in the extraction process and the inability to track minerals through the supply chain, some of the minerals that reached the global market had been produced by exploiting children and came from a region where violence was perpetrated against the entire population.¹¹⁸

74. JS6 recommended that the Government should implement the Regional Certification Mechanism of the International Conference on the Great Lakes Region with regard to coltan, tin, wolframite and gold in order to combat the illegal traffic in these natural resources and should adhere to the guidelines established by the Extractive Industries Transparency Initiative.¹¹⁹

75. Stating that artisanal mines had been exploited by both State officials and private companies,¹²⁰ JS19 recommended that the Government conduct an investigation to clarify the circumstances surrounding the transactions and contracts in the mining industry and implement legislation that obliges mining companies to publish their mining contracts and information concerning legal and financial transactions.¹²¹

7. Right to social security and to an adequate standard of living

76. STP stated that the Democratic Republic of the Congo would miss all of its Millennium Development Goals due to insecurity, illegal exploitation of resources by armed militias and mass exodus of the civilian population. Due to the fighting and the ongoing poverty in the east, the national income per capita is less than 50 cents per day and the country is in last place in the annual UNDP human development rankings.¹²²

77. JS9 noted that the social and economic infrastructure of Kinshasa had not kept pace with the migration-driven population explosion there.¹²³ Around 25,000 children lived on the street, and 70 or 80 per cent of them said that they had been accused of witchcraft by the adults who had abandoned them.¹²⁴ JS9 recommended that the Government should

adopt provisions on the phenomenon of so-called "witch children" under which adults who accused their children of witchcraft could be punished by law.¹²⁵

78. JS14 recommended that the Government should adopt and implement special measures to ensure the socioeconomic integration of indigenous pygmy peoples.¹²⁶

8. Right to health

79. Elizabeth Glaser Pediatric AIDS Foundation (EGPAP) stated that sexual and gender-based violence (SGBV) was one of the greatest threats to women's health in the country where SGBV rates were among the highest in the world.¹²⁷

80. EGPAP noted that at the end of 2011, more than 1.1 million Congolese were infected by HIV¹²⁸ and that people living with HIV continued to face high levels of stigma in the community and by health-care providers.¹²⁹ EGPAP recommended that the Government increase national financing for HIV prevention, care and treatment services.¹³⁰

81. JS14 noted that indigenous pygmy peoples did not enjoy equal access to health services, that their villages did not have health-care facilities and that they had almost no access to drinking water.¹³¹

82. JS2 noted that the budget for child health remained extremely small and that households continued to contribute directly to the cost of health care for their children.¹³² It recalled that the mortality rate among children under 5 years of age was one of the highest in the world¹³³ and that around half of all children under 5 suffered from either acute malnutrition (11 per cent) or global malnutrition (38 per cent).¹³⁴ JS2 recommended that the Government should improve access to basic health services and care and combat malnutrition.¹³⁵

83. JS9 was concerned by the high rate of teenage pregnancy, particularly in urban areas,¹³⁶ and recommended that the Government should adopt specific measures to reduce pregnancy-related health risks.¹³⁷

9. Right to education

84. The Marist International Solidarity Foundation (FMSI) highlighted that in spite of the Constitution declaring that education was free, families paid fees and that was a major cause of school non-enrolment and drop out.¹³⁸ According to FMSI, 45 per cent of all children who enrol in primary school end up dropping out before completing their education.¹³⁹ JS4 recommended that the Government take steps to eliminate all fees for public primary schools and extend free primary education to all provinces.¹⁴⁰ JS2 recommended that the Government should take affirmative action to encourage girls to stay in school.¹⁴¹

85. Noting that the conflict in the east of the country had affected 240,000 pupils and that more than 600 schools had been ransacked or burned down in 2012,¹⁴² JS2 recommended that the Government should prohibit the use of school buildings for purposes other than education and place priority on the construction and renovation of schools.¹⁴³

86. Noting that only 18.7 per cent of indigenous pygmy children were enrolled in primary school,¹⁴⁴ JS14 recommended that the Government should pay particular attention to indigenous pygmy peoples when drawing up its education policies and programmes.¹⁴⁵

87. JS9 recommended that the Government should increase its efforts to include human rights education in school curricula.¹⁴⁶

10. Persons with disabilities

88. JS9 noted that there was no comprehensive programme of action to protect persons with disabilities and that a significant number of persons with disabilities lived in extremely difficult conditions.¹⁴⁷

11. Minorities and indigenous peoples

89. STP underlined that the rights of indigenous forest peoples were still violated and that many Pygmy groups had been forced out of the forests to settle down in internally displaced people (IDP) camps in which they were facing discrimination and the denial of basic services. STP added that numerous development programmes did not take into account the specific problems faced by indigenous peoples.¹⁴⁸

90. JS14 noted that agriculture, livestock-raising and logging activities had forced many indigenous peoples to abandon their forests and traditional way of life and that the majority of these peoples had become dependent on casual labour or had resorted to begging in order to survive.¹⁴⁹ It stated that the right of indigenous pygmy peoples to their lands was not always secure and continued to be flouted.¹⁵⁰

91. JS14 recommended that current land and forest reforms and international initiatives to which the Government had committed itself should devote particular attention to indigenous pygmy peoples and ensure their right to access and control their lands and natural resources.¹⁵¹

12. Internally displaced persons

92. JS12 noted that since April 2012, the number of IDPs had risen to more than 2.6 million in June 2013 and that the clashes between FARDC and M23 had uprooted up to 40,000 people. The attacks of the ADF-NALU in early 2013 had raised up to 70,000 people into refugee camps in the neighbouring countries. It added that access to water and health services was also extremely difficult, as up to 80 per cent of the provincial health centres had been looted. JS12 expressed a great concern at the living conditions in the makeshift refugee camps as the number of informal camps were growing, especially in North Kivu. According to JS12, the IDPs live there in absolute poverty, without access to drinking water, health care or sufficient food.¹⁵²

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org

*Civil society**Individual submissions:*

EAJCW	European Association of Jehovah's Christian Witnesses, Kraainem, Belgium;
EGPAF	Elizabeth Glaser Pediatric AIDS Foundation, Geneva, Switzerland;
FFT	Freedom from Torture, London, UK;
FMSI	Marist International Solidarity Foundation, Geneva, Switzerland;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, UK;
HRW	Human Rights Watch, New York, USA;
RSF-RWB	Reporters sans frontières – Reporters without Borders, Paris, France;
STP	Society for Threatened Peoples, Göttingen, Germany.

Joint submissions:

JS1	Joint Submission No 1: Appui aux Femmes Démunies et Enfants Marginalisés au Kivu en RDC (AFEDM Suisse) and SOS Information Juridique Multisectorielle, (SOS IJM asbl), Geneva, Switzerland;
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- JS2 Joint Submission No 2: Coalition EPU des Droits des Enfants en RDC (CEDERC); Action Contre les Violations des Droits des Personnes Vulnérables (ACVDP), Actions pour la Protection et l'Encadrement de l'Enfant (APEE), Assistance Humanitaire aux Enfants Vulnérables Orphelins (AHEVO), Bureau pour le Volontariat au Service de l'Enfance et de la Santé (BVES), Catholic Relief Service (CRS), Centre de Recherche des Voies pour l'Épanouissement et l'Autonomie (CERVEAU), Centre de formation et d'Action pour le Développement (CFAD), Coalition National de l'Éducation pour Tous (CONEPT), Coalition des ONG des Droits de l'Enfant (CODE), Congo Handicap, Fondation Solidarité des Hommes (FSH), Héritiers de la Justice, Human Dignity in the World (HDW), Jeunes et Femmes pour les Droits de l'Homme et la Paix (JFDHP), Save the Children International (SCI), Search for Common Ground (SFCG), Solidarité pour un Monde Meilleur (SMM), Vorsi Congo, War Child Holland (WCH), War Child UK (WCUK) and World Vision International (WVI), Bukavu, DRC;
- JS3 Joint Submission No 3: World Alliance for Citizen Participation (CIVICUS) and Ligue des Droits de la Personne dans la Région des Grands Lacs (LDGL); Johannesburg, South Africa;
- JS4 Joint Submission No 4: Coalition of Non-Governmental Organisations for Reporting and Monitoring the Situation of Human Rights (CORRSDH) and Human Rights House (MDH); Amis de Nelson Mandela pour les Droits de l'Homme, Association africaine pour la Défense des Droits de l'Homme, Association pour le Bien-Etre de l'Enfant congolais, Bureau de Volontariat au Service de l'Enfance et de la Santé, Coupole, Fonds pour la Femme congolaise, Forum de la Femme ménagère, Groupe Lotus, Ligue des Electeurs, Protection des Femmes et Enfants Victimes des Violences, Restauration African Center, Solidarité Echange pour le Développement intégral, Solidarité féminine pour la Paix intégrale, Solidarité pour un Monde meilleur, Toges noires, Kinshasa, DRC;
- JS5 Joint Submission No 5: Défense des Enfants international (DEI-Congo), Réseau national des Droits de l'Homme (RENADHO) and Groupe de Travail Protection et Education, niveau national Kinshasa, Kinshasa, DRC;
- JS6 Joint Submission No 6: Franciscans International (FI) and VIVAT International, Geneva, Switzerland;
- JS7 Joint Submission No 7: Fédération internationale de l'Action des Chrétiens pour l'Abolition de la Torture (FIACAT) and Action des Chrétiens pour l'Abolition de la Torture en République démocratique du Congo (ACAT-RDC), Paris, France and Kinshasa, DRC;
- JS8 Joint Submission No 8: Groupe thématique Droits de la Femme et Violences sexuelles (GTDFVS); Avocats du Monde international (AMI ASBL), Association pour la Protection des Personnes Vulnérables (APPROPEV), Centre d'études sur la Justice et la Résolution 1325 CJR 1325, Forum de la Femme Ménagère (FORFEM), Protection des Victimes de Violences (PROVIVI), Restoration African Center (RAC), Solidarité des Femmes pour la Paix et le Développement Intégral (SOFEPADI), Centre de Réhabilitation et Réinsertions Socioprofessionnel (CRISP), Jeunesse et Femme pour les Droits Humains et la Paix (JFDHOP), Association de Femmes Juristes du Congo (AFEJUCO), La Femme pour la reconstruction et Développement du Congo (LAFERDEC), Association des femmes Rizicultrices de Kingabwa (AFRIKI), Association Africaine des Droits de l'Homme (ASADHO), Filles et Femmes en Action pour les Droits Humains (FIFADH), Forum des Femmes pour la bonne Gouvernance et la Démocratie (FFBGD), Communauté pour la Promotion des Humains (CPH), Carrefour des Femmes lèves toi et brilles (CAFEM), Synergie de Femmes Solidaires pour le Changement dans la Justice (SFCJ), CHARICONGO, Association des Femmes pour les Droits et le Développement (AFD), Collectif d'Associations Féminines du Territoire de Rutshuru (CAFR), Barza de femmes pour la paix dans le territoire de Béni, Ligue pour la solidarité congolaise (LSC), Kinshasa, DRC;

- JS9 Joint Submission No 9: Istituto Internazionale Maria Ausiliatrice (IIMA), International Volunteer Organisation for Women, Development and Education (VIDES International) and Apprentis d'Auteuil, Geneva, Switzerland;
- JS10 Joint Submission No 10: Justitia et Pax Pays Bas, Action mixte pour le développement (AMIDE), Amani instate, Campagne pour la paix, Centre d'initiative pour le développement au Nord Kivu, CJR1325, Coalition des volontaires pour la paix et le développement (CVPD), Collectif des organisations des jeunes du Congo Kinshasa (COJESKI), Congo Peace Network (CPN), Fondation Kiza Muhigirwa, Réseau provincial des organisations non gouvernementales des droits de l'homme au Congo (REPRODHOC), Solidarité pour la promotion sociale et la paix (SOPROP), SOS IJM asbl and Synergie pour l'assistance judiciaire aux victimes des violations des droits humains (SAJ), The Hague, The Netherlands;
- JS11 Joint Submission No 11: Fédération luthérienne mondiale, World YMCA and Réseau des Associations des Femmes Juristes de l'Est de la RDC (RAFEJE), Geneva, Switzerland;
- JS12 Joint Submission No 12: Ecumenical Network Central Africa (OENZ), Brot für die Welt, MISEREOR, Pax Christi and Vereinte Evangelische Mission (VEM), Berlin, Germany;
- JS13 Joint Submission No 13: Organisation mondiale contre la Torture (OMCT), Synergie des Femmes pour les Victimes des Violences Sexuelles (SFVS), Association des Femmes Médecins (AFEMED/NK), Défenseur judiciaire et association dynamique des femmes juristes, Association pour la Défense des Droits de la Femme (ADDF), Femmes Engagées pour la Promotion de la Santé Intégrale (FEPSI), Mutaani FM, Marche Mondiale de la femme, Ligue pour la Solidarité Congolaise (LSC), Programme Promotion des Soins de Santé Primaires (PPSP), Marche Mondiale des femmes, Synergie des femmes/Walikale UCF, SOS Information Juridique Multisectorielle (SOS IJM), Congo Renaitre, ASBL/REVIVRE, APC, Action des Chrétiens Activistes des Droits de l'Homme à Shabunda (ACADHOSHA), Syndicat d'Initiatives pour le développement du territoire de Mwenga (SIDEM), Association des Femmes Juristes Congolaises (AFEJUCO), Coordinatrice Provinciale Regard Rural Sans Frontière (RRSF) and Centre Olame, Arche D'Alliance, Geneva, Switzerland;
- JS14 Joint Submission No 14: Foyer de Développement pour l'Autopromotion des Pygmées et Indigènes Défavorisés (FDAPYD – Hope Indigenous Peoples), Ligue Nationale des Associations des Peuples Autochtones Pygmées du Congo (LINAPYCO), Organisation d'Accompagnement et d'Appui aux Pygmées (OSAPY), Programme d'Intégration et de Développement du Peuple Pygmée au Kivu (PIDP SHIRIKA LA BAMBUTI), Programme de Réhabilitation et de Protection des Pygmées (PREPPYG), Réseau des Populations Autochtones et Locales pour la Gestion durables des Ecosystèmes Forestiers en République Démocratique du Congo (REPALEF/RDC) and Union pour l'Émancipation de la Femme Autochtone (UEFA), Goma, DRC;
- JS15 Joint Submission No 15: Synergie pour l'Assistance judiciaire aux Victimes de Violations des Droits humains au Nord-Kivu (SAJ) and REDRESS, London, UK;
- JS16 Joint Submission No 16: AFEJUCO, ALFA, ASADHO, CAD, CODE, CODHOD, COJESKI, CREDDHO, GROUPE LOTUS, LINAPYCO, LIZADEEL, OCDH, RAF, REDHUC, RENADHOC, REPRODHOC-KINSHASA, REPRODHOC-EQUATEUR, RODHECIC, RRSSJ, VHDH and VSV, Kinshasa, DRC;
- JS17 Joint Submission No 17: Si jeunesse savait (SJS) and Sexual Rights Initiative coalition (SRI), Ottawa, Canada;
- JS18 Joint Submission No 18: Women and Development National Committee (CONAFED), Justice and Peace Episcopal Commission (CEJP), Permanent Consultative Framework of Congolese Women (CAFCO), Action For the wellbeing of Congo (ABEC), Forum of Women Homemaker (ForFem), Gender and Women Rights Network (GEDROFE), Awakening and Dynamism of Grassroots Women (RDF/Base), Coalition of Women for Peace and Development (CFDP), Congolese

Association of Women Lawyers (AFEJUCO), INTERACTION, Forum of Mothers (women) from Ituri (FOMI), the Official Overseas Development Agency of the Catholic Church in Ireland (TROC'AIRE), Maynooth, Ireland;

JS19 Joint Submission No 19: World Evangelical Alliance (WEA) and Association of Evangelicals in Africa (AEA), Geneva, Switzerland.

- ² JS16, para. 3, p. 6.
- ³ JS16, para. 5, p. 7.
- ⁴ FfT, para. 4.
- ⁵ JS7, part 1, p. 4. See also FfT, para. 27.
- ⁶ JS10, para. 17, p. 6.
- ⁷ FfT, para. 4.
- ⁸ JS8, para. 15, p. 5. See also JS11, p. 4 and JS18, para. IV.
- ⁹ JS4, para. 26, p. 8. See also JS13, paras. 10–13, p. 3 and JS18, para. IV.
- ¹⁰ JS6, para. 15, p. 6.
- ¹¹ JS13, para. 38, p. 7.
- ¹² JS13, p. 9. See also JS17, para. 41, p. 9.
- ¹³ JS15, para. 25, p. 7.
- ¹⁴ JS15, para. 33, p. 9.
- ¹⁵ JS1, para. VII, p. 5. See also JS4, para. 12, p. 5.
- ¹⁶ JS17, para. 10, p. 4.
- ¹⁷ JS17, para. 34, p. 9.
- ¹⁸ JS14, para. 24.9.
- ¹⁹ JS1, para. 7, p. 3. See also JS7, p. 2.
- ²⁰ JS1, part VII, p. 5 and JS10, para. 10, p. 4. See also JS16, para. 5, p. 7.
- ²¹ FfT, para. 4.
- ²² JS8, para. 15, p. 5.
- ²³ JS18, para. II.
- ²⁴ JS2, para. 7, p. 1.
- ²⁵ JS2, para. 8, p. 2. See also JS5, para. III, p. 5.
- ²⁶ JS4, para. 13, p. 5.
- ²⁷ JS4, para. 15, p. 6. See also JS10, para. 14, p. 5 and JS12, p. 10.
- ²⁸ JS16, para. 4, p. 6.
- ²⁹ JS16, para. 5, p. 7.
- ³⁰ FfT, para. 27.
- ³¹ JS3, para. 5.5, p. 10.
- ³² FfT, para. 27.
- ³³ JS9, para. 9, p. 3.
- ³⁴ JS9, para. 12, p. 4.
- ³⁵ JS2, para. 23, p. 5.
- ³⁶ JS2, para. 24, p. 6.
- ³⁷ JS5, para. III, p. 5.
- ³⁸ JS16, para. 20, p. 11. See also JS7, para. 6, p. 8.
- ³⁹ JS16, para. 22, p. 11. See also JS7, para. 6, p. 9 and HRW, part 5, p. 5 and part 6, p. 6.
- ⁴⁰ HRW, part 2, p. 1.
- ⁴¹ HRW, part 2, pp. 1 and 2.
- ⁴² JS12, p. 3.
- ⁴³ JS7, part 2, p. 5.
- ⁴⁴ STP, p. 1. See also HRW, part 2, p. 2 and JS12, p. 4.
- ⁴⁵ JS7, para. 1, p. 3.
- ⁴⁶ JS7, part 1, p. 4.
- ⁴⁷ EAJCW, para. 26, p. 5.
- ⁴⁸ EAJCW, para. 29, p. 5.
- ⁴⁹ JS12, p. 5. See also FfT, para. 17.
- ⁵⁰ JS16, para. 22.
- ⁵¹ JS7, part 3, p. 6.
- ⁵² JS16, para. 15, p. 8. See also JS12, p. 4.

- ⁷³ JS6, para. 8, p. 3.
⁷⁴ JS6, para. 14, p. 5.
⁷⁵ JS6, para. 15, p. 5.
⁷⁶ JS12, p. 7.
⁷⁷ JS12, p. 8. See also JS17, paras. 39, p. 9.
⁷⁸ JS11, p. 8. See also JS15, para. 12, p. 4 and JS6, para. 15, p. 5.
⁷⁹ FIT, para. 26.
⁸⁰ JS2, para. 16, p. 4.
⁸¹ JS2, para. 19, p. 4.
⁸² JS2, para. 20, p. 5.
⁸³ JS2, para. 21, p. 5.
⁸⁴ JS6, para. 11, p. 4.
⁸⁵ JS6, para. 12, p. 4.
⁸⁶ JS6, para. 16, p. 5.
⁸⁷ JS9, para. 30, p. 8.
⁸⁸ JS9, para. 32c, p. 9.
⁸⁹ GIEACPC, para. 1.2, p. 1.
⁹⁰ GIEACPC, p. 1.
⁹¹ HRW, part 2, 2. See also JS4, para. 23, p. 7 and JS12, p. 9.
⁹² JS2, para. 14, p. 3.
⁹³ JS2, para. 15, pp. 3–4. See also JS4, para. 24, p. 8.
⁹⁴ HRW, part 6, p. 6 and JS7, part 4, p. 7.
⁹⁵ JS12, p. 9.
⁹⁶ JS12, p. 6.
⁹⁷ HRW, part 6, p. 6.
⁹⁸ JS12, pp. 6–7.
⁹⁹ JS10, para. 23, p. 7. See also HRW, part 6, p. 6 and JS13, p. 8.
¹⁰⁰ JS15, para. 36, p. 9. See also JS16, para. 18, p. 10 and HRW, part 6, p. 6.
¹⁰¹ JS7, part 3, p. 6.
¹⁰² JS15, para. 22, p. 6.
¹⁰³ HRW, part 1, p. 1.
¹⁰⁴ HRW, part 5, p. 5.
¹⁰⁵ JS15, paras. 8 and 9, pp. 2 and 3.
¹⁰⁶ JS15, para. 28, p. 7.
¹⁰⁷ JS12, p. 7.
¹⁰⁸ JS12, p. 7. See also HRW, part 4, p. 4.
¹⁰⁹ JS19, paras. 22–23, p. 6.
¹¹⁰ JS19, para. 32, p. 7.
¹¹¹ JS15, para. 17, p. 5.
¹¹² JS15, para. 21, p. 6.
¹¹³ JS3, para. 3.10, p. 7.
¹¹⁴ JS17, para. 9, pp. 3 and 4.
¹¹⁵ JS9, para. 29, p. 8.
¹¹⁶ EAJCW, para. 26, p. 5.
¹¹⁷ HRW, part 3, p. 2. See also STP, p. 2.
¹¹⁸ HRW, part 6, p. 6. See also JS3, para. 5.3, p. 9 and para. 3.4, p. 6.
¹¹⁹ RSF-RWB, p. 1. See also JS1, para. 4, pp. 3–4 and JS3, para. 5.3, p. 9.
¹²⁰ RSF-RWB, p. 4. See also JS3, para. 5.3, p. 9.
¹²¹ RSF-RWB, p. 5. See also STP, p. 2.
¹²² JS3, para. 1.4, p. 1.
¹²³ JS3, para. 2.8, p. 4.
¹²⁴ JS3, para. 2.9, p. 4.
¹²⁵ JS3, para. 5.3, p. 9.
¹²⁶ JS16, para. 26. See also HRW, part 3, pp. 3–4.
¹²⁷ JS16, para. 31, p. 14.
¹²⁸ JS3, para. 3.1, p. 5.

- ¹⁰⁹ JS4, para. 2, p. 2.
- ¹¹⁰ JS4, para. 3, p. 1. See also, JS4, paras. 4, 5 and 5.1–5.6, pp. 2–4 and JS16, para. 31, pp. 13 and 14.
- ¹¹¹ JS4, para. 6, p. 4. See also HRW, part 4, p. 4 and JS12, p. 11.
- ¹¹² JS7, para. 5, pp. 7–8.
- ¹¹³ JS13, para. 44, p. 8.
- ¹¹⁴ JS3, para. 3.7, p. 6.
- ¹¹⁵ JS4, para. 31, p. 9.
- ¹¹⁶ JS18, para. III. See also, JS13, paras. 33 and 34, p. 6 and p. 8 and JS11, pp. 6–7.
- ¹¹⁷ JS6, para. 9, p. 3. See also JS12, paras. 27–29, p. 7.
- ¹¹⁸ JS6, para. 10, p. 4. See also JS12, pp. 11–12.
- ¹¹⁹ JS6, para. 16, p. 5. See also JS12, pp. 11–12.
- ¹²⁰ JS19, para. 8, pp. 3 and 4.
- ¹²¹ JS19, paras. 24–25, p. 6.
- ¹²² STP, p. 1.
- ¹²³ JS9, para. 16, p. 5.
- ¹²⁴ JS9, para. 17, p. 5.
- ¹²⁵ JS9, para. 21, p. 6.
- ¹²⁶ JS14, para. 24.4.
- ¹²⁷ EGPAF, para. 9, p. 2.
- ¹²⁸ EGPAF, para. 5, p. 1.
- ¹²⁹ EGPAF, para. 8, p. 2.
- ¹³⁰ EGPAF, para. V.b, p. 3.
- ¹³¹ JS14, para. 18.
- ¹³² JS2, para. 34, p. 8.
- ¹³³ JS2, para. 36, p. 8.
- ¹³⁴ JS2, para. 38, p. 9.
- ¹³⁵ JS2, para. 40, p. 9.
- ¹³⁶ JS9, para. 29, p. 8.
- ¹³⁷ JS9, para. 32, p. 9.
- ¹³⁸ FMSI, para. 8, p. 2. See also JS4, paras. 17–22, pp. 6 and 7.
- ¹³⁹ FMSI, para. 10, p. 2. See also FMSI, p. 3.
- ¹⁴⁰ JS4, para. 22, p. 7. See also JS9, paras. 22–24, p. 7, para. 27a, p. 8 and JS2, para. 25, p. 6.
- ¹⁴¹ JS2, para. 28, p. 6. See also JS5, para. III, p. 4 and JS9, para. 27c, p. 8.
- ¹⁴² JS2, para. 29, p. 6.
- ¹⁴³ JS2, para. 30, p. 6.
- ¹⁴⁴ JS14, para. 21. See also STP, p. 2.
- ¹⁴⁵ JS14, para. 24.6.
- ¹⁴⁶ JS9, para. 27d, p. 8.
- ¹⁴⁷ JS9, para. 8, p. 3. See also JS2, paras. 47 and 48, p. 11.
- ¹⁴⁸ STP, pp. 2 and 3. See also JS12, p. 12.
- ¹⁴⁹ JS14, para. 10.
- ¹⁵⁰ JS14, para. 14.
- ¹⁵¹ JS14, para. 24.1.
- ¹⁵² JS12, pp. 8 and 9.